

TOWN OF CHESHIRE FAIR RENT COMMISSION (FRC) COMPLAINT FORM

Instructions to complainant/tenant: Please answer all questions applicable to your complaint.

I. GENERAL INFORMATION	
Complainant -Tenant Name(s):	
Address, including unit #:	
Telephone number and e-mail address:	
Length of time in this rental unit:	_____ years, & _____ months?
Type of lease (circle one please):	(A) <u>Oral</u> lease OR (B) <u>Written</u> lease
Monthly rent:	Current: \$ _____ , Last Year: \$ _____ , Two Years Ago: \$ _____
Amount of monthly rent being proposed by landlord:	\$ _____ Date new lease is scheduled to begin: _____ (month, day and year)
Description of Rental Unit:	# rooms _____ , # bedrooms _____ , # bathrooms _____ , includes: heat, hot water, electricity (Circle all that apply)
Other Fees Required (please explain):	
II. LANDLORD INFORMATION	
Property Owner:	_____
Address:	_____ _____ _____
Telephone number and email address:	_____ _____
Authorized Agent Representing Property Owner if Owner is Corporate Entity:	_____
Property Manager (if applicable):	_____
Address:	_____ _____ _____
Telephone number and email address:	_____ _____

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III. NATURE OF COMPLAINT

A tenant may file a complaint with the FRC if:

1. The tenant has been notified of a substantial increase in rent which would cause the rent to be higher than what other tenants in the community are paying for similar residential units;
2. A major service which the landlord had previously supplied has been decreased to an extent that affects the rental value of the apartment; or
3. It appears that the landlord has requested the rent increase in retaliation for the tenant's having made a request for repairs; a health, safety or housing code inquiry or complaint to the Town; or taking some other action which the landlord perceived as adverse.

In the space provided below, please explain (a) whether you have a written agreement with your landlord (if yes, please provide a copy with this Complaint); (b) why you believe the increase in rent is excessive; (c) why your landlord's response to your property maintenance, health and/or concerns described is inadequate; and (d) which of the 13 factors from the Town's Ordinance you claim apply to your complaint. A copy of the Town's Ordinance is attached hereto for your reference.

**COMMISSIONS
APPROVED ON:
2/15/24**

**RULES AND REGULATIONS FOR
THE TOWN OF CHESHIRE FAIR
RENT COMMISSION HEARINGS**

Pursuant to the Ordinances of the Town of Cheshire, Section 2-74(a), the Cheshire Fair Rent Commission ("Commission") was established "to regulate and eliminate excessive rental charges for residential properties within the town." Pursuant to Section 2-75 of the Ordinances, the Commission is empowered to conduct hearings on complaints filed with the Commission.

The Commission hereby adopts the following Rules and Regulations for the conduct of hearings of the Commission. All complainants and respondents shall review, become familiar with, and fully comply with these Rules and Regulations; failure to do so may prejudice the complainant and/or respondent and adversely impact their positions in the case.

WHEREAS, as it is the intent of the Commission to conduct hearings in a manner which is legally and procedurally equitable for all parties involved and to enable efficient operations of the Commission, the Commission hereby sets forth the following hearing procedures and makes the same the Commission's Rules and Regulations for hearings:

1. NOTICE OF HEARING: All hearings will be noticed in accordance with (a) the requirements of the Connecticut Freedom of Information Act, (b) the Town of Cheshire's administrative requirements, and (c) Section 2-75 of the Ordinances.

2. PRIOR TO THE HEARING: By no later than five (5) days prior to the hearing date, complainant and respondent shall (a) exchange a copy of their respective proposed exhibits; (b) exchange a list of their respective witnesses for the hearing; and (c) forward a copy of their respective exhibits and the witness lists to the Commission's counsel, Jeffrey M. Donofrio, via email at JDONOFRIO@CD-LLP.COM. By no later than two (2) days prior to the hearing date, complainant and respondent shall notify one another as to any objections to the proposed exhibits, attempt to resolve the objections and notify counsel for the Commission prior to the commencement of the hearing as to any unresolved objections. If either party wants a court reporter to record the hearing, said party shall arrange for the attendance of a court reporter at the hearing. The Commission will audio record the hearing.

3. OPENING THE HEARING: The Chair (or temporary/acting chair) shall open each hearing by announcing: "The hearing of the Fair Rent Commission of the Town of Cheshire is hereby called to order. Clerk, please call the roll. A quorum is present."

4. CALL OF CASES: If multiple cases are on the Agenda, the Chair shall determine the order of the cases. The order shall be set forth in the agenda published

with the Notice of Meeting. At the discretion of the Chair, changes to the order of cases may be permitted at the start of the hearing provided that no participants are unable to be heard that evening due to the order that their case was called.

5. PRELIMINARIES FOR EACH CASE:

- a. ANNOUNCING CASE: The Chair will announce the case to be heard and ask all parties to come forward.
- b. SWEARING IN AND IDENTIFICATION OF WITNESSES: The Chair, through the Commission's counsel or such other authority competent to administer oaths, will swear in all parties to the case in issue and will ask each person to give his or her name and address for the record.
- c. LEGAL COUNSEL: There is no requirement that a party be represented by an attorney for a hearing. If a party is represented by an attorney, please note that attorneys for the parties are not witnesses. Attorneys cannot testify at the hearing and will not be sworn in.
- d. STAFF REPORT: The Chair will ask Town Staff to the Commission if there is any report from Staff. The format of staff reports is not constrained by these Rules and Regulations. Staff reports may include field reports, may include photos from a site visit and may include comparable rental information. The intent of the site visit is to document the condition of the unit. Site visits may be conducted with or without a complaint of unsafe or unhealthy living conditions. The site visit documentation should include photos of the kitchen and bathrooms. If any conditions included in the staff report are known to have been corrected, updated facts should be provided to the Commission prior to or at the hearing.
- e. QUESTIONS TO STAFF: Each Commissioner present (in order determined by the Chair) will have the opportunity to ask questions of the staff members concerning their reports. No Commissioner may address any questions to either Landlord or Tenant at this point in the hearing.

6. STATEMENTS BY LANDLORD AND TENANT:

- a. OPENING STATEMENTS: Each party will be permitted 5 minutes to make an opening statement. During this portion of the hearing, the parties may present testimony and any exhibits. The Tenant who has initiated the action in a Fair Rent complaint will make his or her presentation first. The Landlord will make his or her presentation following that of the tenant. No Commissioner or opposing party may

interrupt either Tenant or Landlord to ask questions or make statements during that party's statement and/or testimony.

- b. WITNESSES: In cases where fact witnesses or attorneys accompany a party, they may be examined and cross examined at the discretion of the Chair.
- c. REBUTTAL: Tenant and then Landlord will each be allowed two minutes to make a final statement, not to be interrupted by Commissioners.

7. QUESTIONS BY COMMISSIONERS: Following any rebuttal presented by the Tenant and/or Landlord, each Commissioner has the right to request time to pose questions to the Tenant and/or Landlord. Each Commissioner will be allowed up to 4 minutes of questioning. A majority vote by the Commissioners present will be required if any Commissioner wishes to expand questioning beyond the 4-minute limit. The Chair will observe the same rules as all other Commissioners.

8. POINTS OF ORDER: The Chair will enforce the agreed upon rules and regulations at each hearing.

- a. QUESTIONS OF PROCEDURE: In any case where a Commissioner wishes to either, 1., question whether proper procedure is being followed or, 2., request an exception to regular procedure, a majority vote by the Commissioners present will decide the point of order.
- b. RAISING OBJECTIONS: The Commissioner making such objection or request will say, "Point of Order", to then be recognized by the Chair. The Commissioner will then state his or her objection or request. The other Commissioners will then have an opportunity to reply. A vote will then be taken to decide the issue.
- c. FURTHER DISCUSSION: Any further discussion of such issue during the hearing will be deemed out of order. Questions concerning procedure can be raised in executive session following a hearing.

9. PROOF: The burden of proof is on the person who is making a complaint (generally, the Tenant, but also the Landlord shall submit proof as is requested by the Commission). Pursuant to Connecticut law, in determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, so as to be harsh and unconscionable, the Commission is required to consider the factors set forth in Section 2-76 of the Ordinance. Each Commissioner may assign the weight and/or credit to each witness's testimony and/or evidence, or part thereof, as he or she deems appropriate.

10. DECIDING A CASE: The Commission will deliberate on all cases and make its decision on a case immediately following the hearing of all cases at its public hearing. The Fair Rent Commissioners present may, however, by majority vote, decide to continue the case to their next regular hearing to obtain a legal opinion, if the hour is late, or if more information bearing on the case is needed by the Commission.

11. NOTIFICATION OF DECISION: All parties will be notified of the decision of the Commission, in writing, within ten (10) days of the public hearing. Official notification will be made by certified mail to the parties. Electronic and verbal notification may also be made for the purpose of expediency but will not constitute official notification. Attorneys for the parties may also be notified as a courtesy but such notification will not constitute official notification.

12. METHOD OF MEETING: In accordance with Connecticut state law, the meetings and hearings of the Commission may be held remotely, in-person or in a hybrid format. When meetings or hearings are held virtually, the Commission must provide members of the public, upon written request, with a physical location and any electronic equipment necessary to attend the remote meeting in real time, and the same opportunities to provide comment or testimony and otherwise participate in the meeting that individuals would be accorded if the meeting were held in person, subject to certain exceptions.

13. RIGHT OF APPEAL: Any person aggrieved by the Commission's decision may appeal the decision to Connecticut Superior Court for the Judicial District of New Haven. Appeals must be filed within thirty (30) days of the issuance of the written notice of decision.

**TOWN OF CHESHIRE TOWN COUNCIL
FAIR RENT COMMISSION ORDINANCE (NEW)**

The Town Council of the Town of Cheshire at their meeting on Tuesday, March 14, 2023 adopted the following Fair Rent Commission Ordinance (new), as follows:

Section 1 Establishment of Fair Rent Commission

Pursuant to and in accordance with § 7-148b of the Connecticut General Statutes (“C.G.S.”), a Fair Rent Commission (hereinafter, “Commission”) is hereby established. The purpose of the Commission is to regulate and eliminate excessive rental charges for residential properties within the Town of Cheshire.

Section 2 Authority of Fair Rent Commission

The Commission shall make studies and investigations, conduct hearings and receive complaints relative to excessive rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within the Town of Cheshire in order to control and eliminate excessive rental charges on such accommodations and to carry out the provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20 and Subsection (b) of C.G.S. § 47a-23c. The Commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The Commission, upon appropriation of funds by the Town Council, may be empowered to retain legal counsel to advise it. The Commission’s authority shall be over excessive rental charges – rental charges found to be harsh and unconscionable – not over market rental rates. The Commission does not have any jurisdiction to award a complainant or respondent with monetary damages.

For the purposes of this section, “seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year and “rental charge” includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord.

Section 3 Membership

The Commission shall be composed of five (5) resident electors of the town, to be appointed by the council. At least one (1) member of the Commission shall be a licensed realtor or licensed real estate appraiser in Connecticut, at least one (1) member shall be a tenant and at least one (1) member shall be a landlord. No more than four (4) members shall be of the same political party. All of said members shall serve two-year terms. Any vacancy shall be filled by the council to complete the unexpired term of the vacating member. Members of the Commission may be suspended or removed by the council in accordance with the provisions of the town Charter. Members of the Commission shall elect a chairman and such other officers as may be necessary at its biennial organizational meeting.

Section 4 Hearings and Complaints

Any tenant residing in the Town of Cheshire shall be eligible to file a complaint with the Commission. A complaint shall be made in writing and filed with the Commission on the complaint form provided. A hearing on the complaint shall be scheduled within thirty calendar days of the filing of the complaint. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified mail to the landlord and the tenant at least ten calendar days prior to said hearing. In the event that the complaint involves a matter within the jurisdiction of a town department or any other public agency, the matter may be referred to the appropriate agency for action and the Commission may concurrently exercise its powers hereunder.

Section 5 Determination of Excessive Rent

In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

1. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality.
2. The sanitary conditions existing in the housing accommodations in question.
3. The number of bathtubs or showers, toilets, kitchen sinks and lavatory basins available to the occupants thereof.

4. Services, furniture, furnishings and equipment supplied therein.
5. The size and number of bedrooms contained therein.
6. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein.
7. The amount of taxes and overhead expenses thereof.
8. Whether the accommodations are in compliance with the ordinances of the Town of Cheshire and the General Statutes of the State of Connecticut relating to health and safety.
9. The income of the petitioner and the availability of accommodations.
10. The availability of utilities.
11. Damages done to the premises by the tenant, caused by other than ordinary wear and tear.
12. The amount and frequency of increases in rental charges.
13. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

The Commission will be unable to accept excessive rent complaints if a landlord has already commenced a summary process eviction action against the specified tenant.

In addition, the Commission has the power to dismiss a complaint if it is determined that the tenant who is bringing the complaint is doing so for the purpose of harassing, annoying or embarrassing the landlord.

Section 6 Rent Reduction Order and Repairs

If the Commission determines, after a hearing, that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in Section 5 above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. If the Commission determines, after a hearing, that the housing accommodation in question fails to comply with any ordinance of the Town of Cheshire or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the Commission to be held in escrow by said Commission.

Section 7 Appeals

Any person aggrieved by any order of the Commission may appeal to the Superior Court for the Judicial District of New Haven. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in C.G.S. § 7-148e.

Section 8 Penalties for Offenses

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to Section 7 is pending, or who violates any other provision of this chapter or C.G.S. § 47a-20 or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.”

These ordinance will become effective June 30, 2023.

Dated at Cheshire, Connecticut, this 15th day of March 2023.

By: _____
Tim Slocum
Town Council Chairman